

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:23-CV-88-D**

ELLIS R. PATTERSON-EL,
and GRETCHEN PATTERSON-EL,
Plaintiffs,
v.
COUNTY OF CUMBERLAND, et al.,
Defendants.

ORDER

On February 22, 2023, Ellis R. Patterson-El and Gretchen Patterson-El (“plaintiffs”), proceeding pro se, filed a complaint against Cumberland County and the City of Fayetteville [D.E. 1] and moved to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 2]. On April 5, 2023, pursuant to 28 U.S.C. § 636(b)(1), the court referred the case to Magistrate Judge Brian S. Meyers for a Memorandum and Recommendation (“M&R”) and for a frivolity review [D.E. 13]. On November 7, 2024, Judge Meyers granted the motion to proceed in forma pauperis and issued an M&R recommending that the court dismiss the complaint as frivolous and for failure to state a claim upon which relief can be granted [D.E. 15].

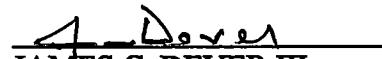
“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b)(1). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315

(quotation omitted). If a party makes only general objections, de novo review is not required. See Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

Plaintiffs did not object to the M&R. Therefore, the court reviews for clear error. See Diamond, 416 F.3d at 315. The court has reviewed the M&R and the record. There is no clear error on the face of the record. See id.

In sum, the court ADOPTS the conclusions in the M&R (except about the Rooker-Feldman doctrine) [D.E. 15] and DISMISSES WITH PREJUDICE plaintiffs’ complaint as frivolous and for failure to state a claim upon which relief can be granted. The clerk shall close the case.

SO ORDERED. This 19 day of December, 2024.



JAMES C. DEVER III
United States District Judge